

Technical Advisory No. 11

Guidance for Extensions Beyond Three Years for J-1 Exchange Visitors in the category of Research Scholar

Participation in the J-1 Exchange Visitor Program under the "Research Scholar" category generally is limited to three years. However, there are currently two options to continue the Research Scholar's activity beyond three years. In order to exercise either option, the ICs must submit a request to the Division of International Services (DIS) ninety (90) days before the expiration of the third year.

Option One: A one-time, terminal extension of six months beyond three years (total: 3.5 years) to allow the Exchange Visitor to complete the original research project or research activity. This extension can be granted by the NIH Responsible Officer without the approval by the Department of State (DOS). **Note: Once the Exchange Visitor receives this extension, no further extensions are possible.**

Along with the appropriate renewal package, the IC should submit a memo to the NIH Responsible Officer requesting that a terminal extension be granted to enable the Exchange Visitor to complete his/her original research project. The memo should also confirm the IC's understanding that no further extensions will be possible, and must include a statement, signed by the Exchange Visitor, that he or she understands that this will be a terminal extension.

OR

Option Two: A one-time, exceptional extension for a 4th/5th year to allow the Exchange Visitor to conclude his/her original research program before returning to the home country. These exceptional extensions must be approved by the DOS and require recommendation by the DIS. The DIS will evaluate these extension requests to ensure continuity in the Exchange Visitor's research activities. Please note that a recommendation by the DIS does not, however, guarantee approval by the DOS. Among the items that would warrant favorable consideration of the extension request is financial support of the Exchange Visitor by the United States Government or the Exchange Visitor's home country government. Other sources of funding (such as recipients of competitive, non-government funded fellowships or awards) may be recommended on a case-by-case basis. The DOS charges a processing fee of \$198, to be paid by the Exchange Visitor.

- **Exceptional extension for Exchange Visitors who transferred to NIH:** Extension of J-1 status for a 4th/5th year is never guaranteed. Requests to extend Exchange Visitors whose initial J-1 status was sponsored by another U.S. institution are scrutinized closely by the DIS before submission to the DOS, especially when the transfer occurred during the last (third) year in J-1 status. The DOS reviews these extensions carefully and generally grants them only if the original laboratory supervisor transferred to the NIH or if the Exchange Visitor transferred to an NIH laboratory that has a formal scientific collaboration with the original laboratory.



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I. DIS Review of Extension Requests

Requests for J-1 extensions beyond three years must be submitted to the DIS no less than ninety (90) days prior to the expiration date of the J-1 Exchange Visitor's current stay as indicated on Form DS-2019. *[For J-1 Exchange Visitors whose J-2 spouses need to apply to the U.S. Citizenship and Immigration Services (USCIS) for renewal of employment authorization, ICs are advised to submit extension requests 120 days in advance to avoid interruption of the J-2 spouses' employment.]*

Note: Due to the DOS time requirements, requests for Option Two that are sent with less than 90 days remaining will be reviewed and recommended on a case-by-case basis.

Each extension request will be evaluated by the DIS to ensure that it meets the requirements of the J-1 regulations. Extension is permitted only to allow the individual to complete his or her original research program. As previously mentioned, justification of continuity of the original research program is especially critical for individuals who have transferred to NIH from another institution.

II. Procedures for Requesting Extensions

A. Option One: Six-Month Terminal Extensions

1. Appropriate request form for renewal (one of the following):
 - a. **Visiting Fellow:** NIH Form 829-2, "*Request for Visiting Fellowship Award*," or FPS Fellowship Request Form (ADB generated) and attachments.
 - b. **Research or Clinical Fellow (VP):** NIH Form 829-1, "*Request for Appointment to the NIH Visiting Program*," and attachments.
 - c. **Supplemental Postdoctoral Fellow:** NIH Form 829-7, "*Request for NIH Supplemental Visiting Fellowship Award*," and attachments.
 - d. **Special Volunteer or Guest Researcher:** NIH Form 590 Revised 1/99), "*Special Volunteer and Guest Researcher Assignment*," and attachments, including proof of funding.
2. Memorandum from the IC Lab Supervisor/Sponsor to the NIH Responsible Officer, DIS. The memo must address the following points:
 - a. State that extension is necessary to complete the individual's original research project.
 - b. State that the IC understands that no further J-1 extensions are possible.
 - c. Signed by both IC lab sponsor and Exchange Visitor to confirm understanding.



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3. Updated curriculum vitae and bibliography.
4. Clear copies (front and back) of all previous Form DS-2019 (formerly IAP-66).

B. Option Two: 4th/5th Year Exceptional Extensions

1. Appropriate request form for renewal (one of the following):
 - a. **Visiting Fellow:** NIH Form 829-2, *"Request for Visiting Fellowship Award,"* or FPS Fellowship Request Form (ADB generated) and attachments.
 - b. **Research or Clinical Fellow (VP):** NIH Form 829-1, *"Request for Appointment to the NIH Visiting Program,"* and attachments.
 - c. **Supplemental Postdoctoral Fellow:** NIH Form 829-7, *"Request for NIH Supplemental Visiting Fellowship Award,"* and attachments.
 - d. **Special Volunteer or Guest Researcher:** NIH Form 590 (Revised 1/99), *"Special Volunteer and Guest Researcher Assignment,"* and attachments, including proof of funding.
2. Extension cover sheet "Request for DOS Extension of J-1 Exchange Visitor" (Located in the Forms section).

Note: The requested duration of the extension should be consistent with the time specified on Forms 829-1, 829-2, 829-7, or 590 and represent a commitment of programmatic and financial support for the specified period.
3. Statement (on the cover sheet), signed by the Exchange Visitor, that he/she has not applied for a waiver of the two-year home country residence requirement. Also indicate if J-2 assistance is needed; do **NOT** leave it blank.
4. Memorandum from the IC Scientific Director to the NIH Responsible Officer, DIS. The memo must address the following points:
 - a. *Description of the current training program.* Include a discussion of why the Exchange Visitor came to the NIH: discuss his/her educational and training/research objectives. Also note specific evidence of productivity (publications, presentations), recognition (awards) and training (courses) should be presented. Extension may be warranted because of the complicated and long-term nature of the experiments.



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- b. *Description of why the additional time is needed.* Discuss how the research program meets the individual's original training/research objectives, and why the additional time is needed.
- c. *Description of how the additional time will benefit the Exchange Visitor in the home country.* Discuss the importance of the additional training to the future career plans of the Exchange Visitor. A letter from a future employer in the home country indicating that further training at the NIH would enhance his/her career opportunities upon return to the home country could be provided.

Note: J-1 Exchange Visitors are expected to return home upon completion of their training program (i.e., fulfill the two-year foreign residence requirement).

- 5. Check for \$198 from the Exchange Visitor, payable to the "**Department of State.**"
- 6. Updated curriculum vitae and bibliography.
- 7. Clear copies (front and back) of all previous Forms DS-2019 (formerly IAP-66).
- 8. Relevant supplemental material (such as letters from the home country discussing the importance of the additional training/research to the leadership role that the returning scientist will assume).

After review of the request, the DIS will forward it to the DOS for review and approval. Upon receipt of the DOS approval, the DIS will prepare the necessary documents to extend the J-1 status and the award or appointment.

Questions should be addressed to the DIS.

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